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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/640,085	08/13/2003	Michael P. Ronan	18716.78456-003	7651
7590 10/05/2005				
Warner Norcross & Judd LLP 900 Fifth Third Center 111 Lyon Street, N.W. Grand Rapids, MI 49503-2487		EXAMINER MAI, TRI M		
		ART UNIT PAPER NUMBER 3727		

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/640,085

Applicant(s)

RONAN, MICHAEL P.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/23/04;02/17/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the distance from the first knob to the second knob (cl. 3), the distance from the first panel to the third panel (cl. 4) the knobs resting on the first panel (cl. 4), and height (cl. 9), the width and length of the locking tab and the back panel (cl. 16), the closure flap connected to the front panel (cl. 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described

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in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear how the knob locks being rest on the first panel. Since the closure flap is connected to the third panel and Fig. 5 show the knob locks bent to rest on the side panels, but not on the first panel.

3. Claims 4, and 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, it is unclear how the knob locks being rest on the first panel

Regarding claims 10-20, it seems that the disclosure show the top closure flap connected to the back panel 14, but not the front panel as set forth in claim 10.

4. Claims 1-4, and 10-13, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergk (Germany 8911663.1). Bergk teaches a first, second, third and fourth panels, a top closure flap 11, a top locking tab 38, and knob locks 14.

Regarding claim 4, as best understood view of the 112 matters above, upon initial placement, the knob lock resting partially on the first panel as claimed.

Regarding claim 15, the length between portions 14 inherently have a distance greater than the width of the back panel with so that it can be inserted into portions 16.

Regarding claims 18-19, portions 2 and 4 are the dust flaps as claimed and portion is a bottom closure flap as claimed.

5. Claims 13-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergk. To the degree it is argued that the knob locks in Bergk are not semicircular. It would

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have been obvious to one of ordinary skill in the art to provide the knob locks having semicircular shape to provide the desired shape for the knob locks.

Regarding claim 14, it would have been obvious to one of ordinary skill in the art to provide the knob locks in the dimension as claimed to provide the desired dimension for the knob locks.

To the degree it is argued that the length between portions 14 is not greater than the back panel width. It would have been obvious to one of ordinary skill in the art to provide the length between portions 14 being greater than the back panel width so that portions 14 can be inserted into portions 16 and/or for added security.

6. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergk in view of anyone of Kravitz (2749017), Thumb (1103708), or Ralston (3194475). It would have been obvious to one of ordinary skill in the art to provide the bottom closure flaps with a frictional closure flap system in Bergk as taught by anyone of Kravitz, Thumb, or Ralston to provide an alternative bottom closure.

7. Claims 1-6, 10, 11, 12, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Adler (2116652). Adler teaches a teaches a first, second, third and fourth panels, a top closure flap 11, a top locking tab 12, and knob locks 17.

Regarding claim 4, as best understood view of the 112 matters above, upon initial placement, the knob lock resting partially on the first panel as claimed.

Regarding claim 5, the edge 19 of portions 17 would be perpendicular with the locking tab as claimed.

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8. Claims 1-4, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Thumb. Thumb teaches a teaches a first, second, third and fourth panels, a top closure flap, a top locking tab 5, and knob locks 11 and 12.

9. Claims 1-6, 10-12, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thumb in view of Hedstrom (1611029). To the degree it is argued that Thumb does not teach the knob locks. It would have been obvious to one of ordinary skill in the art to provide knob locks in Thumb as taught by Hedstrom to provide an alternative closure lock and/or for security.


10. Claims 7-9, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thumb rejection as set forth above, and further in view of Bergk. It would have been obvious to one of ordinary skill in the art to provide a semicircular knob locks in the Thumb rejection to provide alternative shapes for the knob locks.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai 
Primary Examiner
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